REMARKS

Claims 1 and 3-8 have been rejected under 35 USC 103(a) as unpatentable over Ward in view of Davidian, further in view of Lavey. The rejection is respectfully traversed.

The present application relates to a communications-capable image acquisition device for fixed or movable images, in particular a digital camera with an operating display. In the present invention presents a display of the user or status information for the transmission in an image acquisition device in case of an image data transmission from the image acquisition device to another device, e.g., a personal computer. This occurs on the display present in the image acquisition device by images being stored in the camera memory which contain texts and symbols which give the user information concerning the status of the image data transmission.

Ward is cited as disclosing the claimed invention except for the memory module for holding information used to display the status of data transfers. Further, using the memory in the camera to store symbols or to display user or status information in case of the transmission of data from the camera to another device is not taught by Ward.

Davidian, cited as disclosing using that which is lacking in Ward, namely a video RAM to store video data received by an interface, shows a memory with a phase-locked serial port. In Davidian, memory is designed so that unsynchronized, unprocessed serial data can also be received. Additionally, as noted by the Examiner, Davidian fails to disclose using the memory specifically to store data used to display the status of data transfers. Lavey, discussed below, is cited to disclose this feature.

In Lavey, a graphical display is used in a system and process for transparent recording and updating of information via the Internet. However, there is no teaching or suggestion that a display device is used to display the user or status information. In the claimed invention, on the other hand, an operating display displays user or status information.

Additionally, the Examiner fails to provide a reason or motivation as to why the skilled artisan would have been motivated to combine the applied references. The Examiner simply stats that it would have been obvious to combine Davidian and Ward because "an advantage of using video RAM is that a complete frame ca be stored quickly and automatically"; and that it would have been obvious to combined Davidian and Lavey since it is "an advantage of having such a display is that a user can verify that a transfer is occurring and how close it is to its completion." The Federal Circuit has repeatedly made clear that the PTO must provide documented evidence of what constitutes "common knowledge and common sense" to one of ordinary skill in the art. See in *In re Lee*, 61 USPQ2d 1430, 1433, 1434 (Fed. Cir. 2002) ("This court explained in *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697, that 'deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is "basic knowledge" or "common sense"'. The Board's findings must extend to all material facts and must be documented on the record, lest the 'haze of so-called expertise' acquire insulation from accountability".) Here the Examiner has offered no record evidence of any kind to support his assertions. Further, the Examiner has not provided any evidence that the stated advantage was a known problem.

Since the recited structure and method are not disclose by the applied prior art (either alone or in combination), claims 1 and 3-8 are patentable.

Claims 2 and 9 have been rejected under 35 USC 103(a) as unpatentable over Ward in view of Davidian, further in view of Aihara. The rejection is respectfully traversed for the same reasons presented in the arguments above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122004500.

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Respectfully submitted,

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